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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Grace Albanese,

Plaintiff

v.

Las Vegas Metropolitan Police Department,

Defendant

Case No. 2:17-cv-001633-JAD-VCF

**Order Overruling Objection
and Dismissing Case as Frivolous**

[ECF No. 5]

Plaintiff Grace Albanese has filed nearly 50 cases against law-enforcement agencies in this district since 2016, and nearly all of them have been dismissed as frivolous or vexatious.¹

¹ See *Albanese v. FBI*, 2:16-cv-00529-KJD-NJK; *Albanese v. Transp. Security Admin.*, 2:16-cv-00530-GMN-CWH; *Albanese v. Homeland Security*, 2:16-cv-00531-RFB-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:16-cv-00532-RFB-GWF; *Albanese v. Regional Transp. Comm'n of So. Nev.*, 2:16-cv-01882-APG-PAL; *Albanese v. Las Vegas Metro Police Dep't*, 2:17-cv-00577-GMN-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01087-GMN-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01284-MMD-NJK; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01285-JCM-VCF, appeal docketed, No. 17-16127 (9th Cir. May 31, 2017); *Albanese v. FBI*, 2:17-cv-01286-JAD-PAL; *Albanese v. Dep't of Homeland Security*, 2:17-cv-01287-JCM-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01520-JAD-CWH; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01544-RFB-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01573-JCM-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01574-RFB-PAL; *Albanese v. FBI*, 2:17-cv-01599-JAD-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01600-JAD-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01613-APG-PAL; *Albanese v. FBI*, 2:17-cv-01614-JAD-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01633-JAD-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01634-RFB-CWH; *Albanese v. FBI*, 2:17-cv-01635-JAD-CWH; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01640-MMD-VCF; *Albanese v. FBI*, 2:17-cv-01641-JAD-GWF; *Albanese v. Homeland Security*, 2:17-cv-01642-RFB-GWF; *Albanese v. FBI*, 2:17-cv-01662-JAD-NJK; *Albanese v. Homeland Security*, 2:17-cv-01663-JCM-NJK; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01664-JCM-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01735-JCM-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01780-JCM-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01782-JCM-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01795-JAD-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01807-JCM-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01808-

1 Albanese was declared a vexatious litigant in this district in July 2017, after this case was filed.²
2 While the court was considering whether to impose that restriction on Albanese, Magistrate
3 Judge Ferenbach denied without prejudice a handful of her pending *in forma pauperis*
4 applications, including the one in this case.³ Albanese challenges that denial.⁴ But because she
5 fails to demonstrate that the without-prejudice denial of her application was clearly erroneous or
6 contrary to law,⁵ I overrule her objection.⁶

7 Having reviewed Albanese's filings in this and her other dozens of cases, I also dismiss
8 this case with prejudice as frivolous and repetitive. Albanese has sued the Las Vegas
9 Metropolitan Police Department (LVMPD) 30 times and filed additional suits against the Federal
10 Bureau of Investigations and the Department of Homeland Security, all based on the same or

11
12 APG-GWF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01832-KJD-PAL; *Albanese v.*
13 *Las Vegas Metro. Police Dep't*, 2:17-cv-01852-JCM-GWF; *Albanese v. FBI*, 2:17-cv-01871-
14 JAD-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01872-RFB-VCF; *Albanese v.*
15 *Homeland Security*, 2:17-cv-01874-RFB-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-
16 cv-01896-JCM-VCF; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01903-MMD-GWF;
17 *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01904-JCM-PAL; *Albanese v. Las Vegas*
18 *Metro. Police Dep't*, 2:17-cv-01972-JAD-NJK; *Albanese v. Las Vegas Metro. Police Dep't*,
19 2:17-cv-01973-RFB-PAL; *Albanese v. Las Vegas Metro. Police Dep't*, 2:17-cv-01974-JAD-
20 PAL.

21 ² See *Albanese v. FBI*, 2:17-cv-01599-JAD-VCF, ECF No. 7. My dismissal of this action is not
22 based on vexatious-litigant considerations because this action was filed before the order
23 declaring Albanese a vexatious litigant was entered.

³ ECF No. 3.

⁴ ECF No. 6.

⁵ LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A).

⁶ Although Albanese characterizes her challenge as a "motion to appeal," ECF No. 6, I find it is
more properly construed as an objection. But whether construed an objection under LR IB 3-
1(a) and 28 U.S.C. § 636(b)(1)(A), or an appeal under LR IB 3-2(a) and 28 U.S.C. §
636(b)(1)(B), the result is the same: Albanese has failed to demonstrate error in the without-
prejudice denial of her motion. And even if that decision were erroneous and the motion should
remain pending, I would deny the motion as moot after dismissing this case on its merits by this
order. So any error would be harmless.

1 similar allegations that people stalk or spy on Albanese in her bedroom and when she travels
2 around Las Vegas, sometimes using listening devices or hacking into her phone, but federal and
3 state law-enforcement officers ignore her requests for help and refuse to investigate or arrest the
4 wrongdoers.⁷ Her two-page complaint in this case is no exception. In it, she alleges that the
5 LVMPD “refuse[s] to arrest people who they know are observing [her] in [her] bedroom” and
6 are “in collusion with” a man who is stalking her.⁸ These are the very same allegations that form
7 the basis of the vast majority of her other suits.

8 Federal courts are required to dismiss an action brought by a plaintiff seeking pauper
9 status if the complaint fails to state a claim upon which relief may be granted or is legally
10 “frivolous or malicious.”⁹ Allegations are frivolous when they are clearly baseless or lack an
11 arguable basis in law or fact.¹⁰ Frivolous claims include those based on legal conclusions that
12 are untenable (e.g., claims against defendants who are immune from suit or claims of
13 infringement of a legal interest that clearly does not exist), as well as claims based on fanciful
14 factual allegations (e.g., fantastic or delusional scenarios).¹¹ A complaint also may be dismissed
15 as frivolous if it “merely repeats pending or previously litigated claims.”¹²

18 ⁷ See *Albanese v. FBI*, 2:17-cv-1286-JAD-PAL.

19 ⁸ ECF No. 1-1 at 2.

20 ⁹ 28 U.S.C. § 1915(e)(2).

21 ¹⁰ *Denton v. Hernandez*, 504 U.S. 25, 32 (1992).

22 ¹¹ *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989).

23 ¹² *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007) (“Plaintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.”), *overruled in part on other grounds by Taylor v. Sturgell*, 553 U.S. 880 (2008); *McWilliams v. State of Colorado*, 121 F.3d 573, 574 (11th Cir. 1997) (holding that repetitious action may be dismissed as frivolous or malicious).

1 Because Albanese's claims fail to state a plausible claim for relief, and this suit is
2 repetitive of dozens of others she has filed in this district, most of which have already been
3 dismissed as frivolous, I dismiss this action with prejudice as fantastic, frivolous, and highly
4 repetitive.

5 Accordingly, IT IS HEREBY ORDERED that Albanese's objection [ECF No. 6] is
6 **OVERRULED**;

7 IT IS FURTHER ORDERED that **this action is DISMISSED with prejudice**. The
8 Clerk of Court is directed to ENTER JUDGMENT accordingly and CLOSE THIS CASE.

9 Dated: May 17, 2019

10 
U.S. District Judge Jennifer A. Dorsey